



DEP 3' REF

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

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Raffael LAHAV et al.

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Serial No.: 10/018,992

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Filed: February 19, 2003

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For: STABLE BENZIMIDAZOLE FORMULATION

Group Art Unit: 1618

Examiner: Simon J. Oh

Attorney
Docket: 24305

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND UNDER 37 CFR 1.26

Sir:

During the course of prosecuting the above-identified application, Applicant filed a Request for Continued Examination (RCE) on June 6, 2006.

Applicant, through error and mistake, erred in calculating the fees required when filing an RCE, and authorized excess filing fee payments based on the total number of claims then pending in the application, as well as the \$395.00 RCE fee, even though no additional claims were introduced at the time of filing of the RCE's.

These authorized charges were then debited from Applicant's Deposit Account 501407. It is requested that these excess charges, made by mistake, be refunded to Applicants Deposit Account 501407.

The details of the errors are as follows:

On June 5, 2006, Applicant authorized (see attachment) the RCE filing charge of \$790, as well as \$1600 for 32 additional claims over 20, and \$600 for 3 additional independent claims over 3, even though the above claims had been previously been paid for and no new claims were introduced with the filing of the RCE. These

charges were debited on June 7, 2006 from Applicants Deposit Account 501407, and are highlighted in the attached June 2006 Deposit Account Statement. The charges for the excess claims fees (Fee Codes 1201 and 1202) were not required and paid by mistake.

A refund of \$2200 is deemed to be in order.

Applicant has not been refunded the excess charges requested herein.

This request for refund is being made within two years of the charge against the Deposit Account.

This request for refund is clearly one that was paid by mistake, and in excess of that required and is contemplated by 37 CFR 1.26.

Favorable consideration of this Refund request is earnestly solicited.

Respectfully submitted,



Martin Moynihan,
Registration No. 40,338

Date: March 3, 2008



PTO/SB/30 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/018,992
Filing Date	February 19, 2003
Examiner Name	Simon J. Oj
First Named Inventor	Raffael LAHAV et al
Group Art Unit	1618
Attorney Docket Number	24305

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 18, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on March 6, 2006
(Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other Three (3) Month Extension fee
 - v. Other

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

For:	Column 1 No. Filed	Column 2 No. Extra	SMALL ENTITY RATE	FEES	OTHER THAN A SMALL ENTITY RATE	FEES
Request for Continued Examination (RCE)			1	\$ 395		\$ 790
Multiple Dependent Claims			0 x \$ 180	\$ 0	\$ 360	\$
Total Claims	52 - 20=	32	\$ 25	\$	32 x \$50	\$1600
Independent Claims*	6 - 3=	3	\$ 100	\$	3 x \$200	\$600
			TOTAL	\$	TOTAL	\$2990

The Commissioner is hereby authorized to charge \$2990.- filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Martin D. Moynihan	Registration No. (Attorney/Agent)	40,338
Signature	<i>Martin D. Moynihan</i>	Date	June 5, 2006



**United States
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Trademark Office**



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Deposit Account Statement

Requested Statement Month: June 2008
Deposit Account Number: 501407
Name: G E EHRLICH (1995) LTD.
Attention: A J CASTORINA
Street Address 1: 2001 JEFFERSON DAVIS HIGHWAY
Street Address 2:
City: ARLINGTON
State: VA
Zip: 22202
Country: UNITED STATES

See next page

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
06/01	15	10617037	26141	2801	\$395.00	\$72,267.55
06/01	16	10617037	26141	2251	\$60.00	\$72,207.55
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06/01	10	10659747	26682	1504	\$300.00	\$71,207.55
06/01	14	10465826	30848	2501	\$700.00	\$70,507.55
06/01	15	10465826	30848	1504	\$300.00	\$70,207.55
06/01	87	10433622	28292	2501	\$700.00	\$69,507.55
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06/01	189	11443428	31957	2311	\$100.00	\$68,667.55
06/01	190	11443428	31857	2081	\$625.00	\$68,042.55
06/01	183	10242799	02/23929	2253	\$510.00	\$67,532.55
06/01	184	10764833	27256	2253	\$510.00	\$67,022.55
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06/06 254	10561839	30024	8021	\$40.00	\$80,622.55
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06/08 152	10148665	EBL 100	2202	\$250.00	\$80,977.55
06/08 153	10148665	EBL 100	2252	\$225.00	\$80,752.55
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06/07 3	10564777	31334	2832	-\$250.00	\$80,022.55
06/07 4	10564777	31334	2841	\$50.00	\$80,972.55
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06/07 326	10759091	27118	1504	\$300.00	\$80,572.55
06/07 327	10759091	27118	2501	\$700.00	\$80,872.55
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06/07 276	10568707	31670	8021	\$40.00	\$80,792.55
08/07 277	60794501	31142	8021	\$40.00	\$80,752.55
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06/07 279	60798338	31870	8021	\$40.00	\$80,672.55
06/07 280	60788705	31465	8021	\$40.00	\$80,632.55
06/07 285	60789920	31841	8021	\$40.00	\$80,592.55
06/07 4	11384378	31597	1464	\$130.00	\$80,462.55
06/07 299	60795161	31803	8021	\$40.00	\$80,422.55
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06/07 307	60796519	31973	8021	\$40.00	\$80,362.55
06/07 333	60765718	29157	8021	\$40.00	\$80,322.55
06/07 163	60713757	30592(32023)	8007	\$20.00	\$80,302.55
06/07 137	10018992	24305	1811	\$100.00	\$80,202.55
06/07 138	10018992	24305	1201	\$600.00	\$57,802.55
06/07 139	10018992	24305	1202	\$1,600.00	\$56,002.55
06/07 140	10018992	24305	1253	\$1,020.00	\$54,982.55
06/08 29	60708764	30138(32163)	8007	\$20.00	\$54,982.55
06/08 30	60693798	29738(32163)	8007	\$20.00	\$54,942.55
06/08 1	10018992	24305	1811	-\$100.00	\$55,042.55
06/08 2	10018992	24305	1801	\$790.00	\$54,252.55
06/08 79	10581187	32088	2831	\$150.00	\$54,102.55
06/08 82	10581187	32088	8021	\$40.00	\$54,062.55
06/08 81	10581187	32088	2833	\$100.00	\$53,982.55
06/08 80	10581187	32088	2832	\$250.00	\$53,712.55
06/08 27	10561839	30024	2817	\$85.00	\$53,647.55
06/08 66	11402982	31694	1051	\$130.00	\$53,517.55
06/08 30	60811434	31854	2005	\$100.00	\$53,417.55
06/08 191	10891750	27339	2501	\$700.00	\$52,717.55
06/08 192	10891750	27339	1504	\$300.00	\$52,417.55
06/08 89	60811408	31574	2005	\$100.00	\$52,317.55
06/08 16	10554387	30570	2832	-\$250.00	\$52,567.55
06/08 17	10554387	30570	2842	\$200.00	\$52,387.55
06/08 363	10581455	32059	2831	\$150.00	\$52,217.55
06/08 365	10581455	32059	2833	\$100.00	\$52,117.55
06/08 366	10581455	32059	2815	\$325.00	\$51,792.55
06/08 367	10581455	32059	2814	\$100.00	\$51,692.55
06/08 364	10581455	32059	2832	\$250.00	\$51,442.55



PTO/SB/39 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
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Signature	<u>Martin D. Moynihan</u>	Date	June 5, 2006

06/07/2006 SZEWDIE1 00000081 501407 10018992

06/08/2006 SZEWDIE1 00000081 501407 10018992

01 FC:1801 798.00 DA

01 FC:1811 100.00 DA

02 FC:1201 600.00 DA

03 FC:1202 1600.00 DA

Adjustment date: 06/08/2006 SZEWDIE1
06/07/2006 SZEWDIE1 00000087 501407 10018992

01 FC:1811 100.00 CR

Adjustment date: 03/19/2008 HDESTA1
06/07/2006 SZEWDIE1 00000087 501407 10018992
02 FC:1201 600.00 CR
03 FC:1202 1600.00 CR